

Docket No.: 09657/0200614-US0
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of:**
Yuji Ota et al.**Application No.: 10/823,994****Filed: April 13, 2004****For: PANTS GARMENT****Allowed:****Confirmation No.: 5002****Art Unit: 3765****Examiner: A. L. Hoey****PETITION TO WITHDRAW APPLICATION FROM**
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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JAN 29 2010

OFFICE OF PETITIONS

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on January 19, 2010.

Payment in the amount of \$940.00 covering the fees set forth in 37 CFR 1.17(h) and 1.17(e) is enclosed.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a submission under 37 CFR 1.114 (Request for Continued Examination with an Information Disclosure Statement) which is filed herewith.

02/02/2010 CKHLOK 00000013 040100 10823994

01 FC:1464 130.00 DA

4717198.1 0200614-US0

Application No.: 10/823,994

Docket No.: 09657/0200614-US0

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee due with this submission to Deposit Account No. 04-0100.

Dated: January 29, 2010

Respectfully submitted,

By J. Bean

Thomas J. Bean

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PTO/SB/17p (07-09)

Approved for use through 07/31/2012. OMB 0651-0091
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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL <small>(Fees are subject to annual revision)</small>	Application Number 10/823,994-Conf. #5002 Filing Date April 13, 2004 First Named Inventor Yuji Ota Art Unit 3765 Examiner Name A. L. Hoey Attorney Docket Number 09657/0200614-US0
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Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-0100:
 petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments

Check in the amount of \$ _____ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(e) – for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) – to accord a filing date.
- § 1.57(e) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

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JAN 29 2010.

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Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

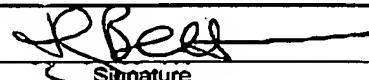
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.296 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.660(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.966 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.23 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.


Signature

January 29, 2010

Date

Thomas J. Bean
Typed or printed name

44,528

Registration No., if applicable

4717177.1 0200614-US0